

REMARKS

The Examiner, in paragraph 1, rejected claims 1-7 under 35 USC § 112 second paragraph for the reasons set forth therein.

In view of the amendments submitted herewith, it is respectfully submitted that the claims are no longer indefinite. In particular, in claims 1 and 7, line 7, a proper antecedent basis has now been provided for the printer. Claim 3 has been amended as suggested by the Examiner. With regard to what is meant by "a second indicia not capable of being scanned which is not visible under normal viewing conditions", Applicant has amended this portion to set forth that the second indicia is not capable of being scanned for reproduction and which is not visible under normal viewing conditions. In this regard, the indicia that is provided is of such a nature that it cannot be scanned for reproduction thereof. Also, as currently set forth, the second indicia is not visible under normal viewing conditions, however, the indicia can be used for confirming that the limited edition stamp is indeed a valid limited edition stamp.

Claim 2 has been amended to provide clarification of the claim.

With regard to the double patenting rejection set forth in paragraph 6, enclosed herewith is a Terminal Disclaimer disclaiming any patent that may issue over Applicant's co-pending application 09/534,433. Accordingly, this rejection is no longer applicable.

The Examiner, in paragraph 7, rejected claims 1-7 under 35 USC § 103(a) as being unpatentable over Gasper et al. (US 5,919,730) in view of Ottawa Citizen, in particular, Ottawa Citizen dated December 30, 1995 final edition page. The present invention is directed to a method for printing and verifying limited edition stamps. As currently set forth in the present invention, there is provided the limited edition stamp having features that are allowed for verification of the

authenticity of the limited edition stamp. As set forth in claim 1, the present invention includes a first visible indicia identifying the limited edition stamp as being a limited edition. A second indicia is also provided that is not capable of being scanned for reproduction and which is not visible under normal viewing conditions. The second indicia is used for confirming that the limited edition stamp is a valid limited edition stamp, and then a third indicia for identifying a printer and/or location where the limited edition stamp was printed. This information can also be used for authentication of the limited edition official postal stamp. The Gasper reference upon which the Examiner primarily relies, is directed to restricting copying of a document by embedding microdots. The Examiner appears to argue that the microdots of Gasper et al. are relevant and that they are of the non-visible type as set forth and claimed by Applicant. Applicant respectfully submits that the second indicia, as set forth in the present invention, which is not capable of being scanned for reproduction and which is not visible under normal viewing conditions, is totally apart and distinct from the microdots of Gasper et al. Applicant would like to point out that Gasper et al., at column 6, lines 41-48 states:

“In practicing the invention the size of the microdots is chosen to be smaller than the maximum size at which individual microdots are perceived sufficiently to decrease the usefulness of the document when viewed under normal conditions of usage. The minimum size of individual microdots is chosen to be greater than or equal to the size at which the microdot pattern can be reasonably detected by document scanning devices.”

As can be seen by the foregoing, the dots are intentionally designed to be recognized and they are also perceived sufficiently to decrease the usefulness of the document. In the present invention, the second indicia is designed not to be viewed under normal viewing conditions and not capable for reproduction. This

is because the present invention is directed to a limited edition stamp and this information can be used for confirming that the limited edition stamp is indeed a valid limited edition stamp.

The Examiner notes that Gasper does not disclose a stamp having:

- (1) a second indicia that is not capable of being scanned;
- (2) a first indicia identifying the stamp as a limited edition and one out of a predetermined amount;
- (3) a third indicia for identifying a printer or location where the stamp was printed; and
- (4) that the third indicia is not visible under normal viewing conditions.

All these limitations are not found in Gasper et al. The Examiner relies on Ottawa Citizen for disclosing a postal stamp having indicia to show the stamp or sheet is one out of a predetermined number. However, Applicant respectfully submits that the Ottawa Citizen still fails to teach many of the claimed features of the present invention. The second indicia has two very distinct qualities, first, the second indicia is not capable of being scanned for reproduction and secondly, that the second indicia is not capable of being viewed under normal viewing conditions. These are functional relationships with the substrate. The second indicia is not mere printed matter. The printed "indicia" has very specific structural characteristics not taught or suggested by Ottawa Citizen. As previously noted, the indicia is not capable of being scanned and secondly, is not visible under normal viewing conditions. These are structural features of the indicia. This is not taught or suggested in the Ottawa Citizen reference. The Ottawa Citizen simply annotates a limited edition stamp out of a particular number of copies. Furthermore, these are not postal stamps to which the present invention is directed but are directed to commemorative stamps. In

any event, the Ottawa Citizen reference does not teach or suggest that the second indicia have the qualities as set forth in independent claim 1. Further, there is no teaching or suggestion in the Ottawa Citizen reference of the third indicia identifying a printer or location where the limited edition stamp was printed. This is also another functional relationship because the information provides some definitive information of where the limited edition stamp was made, or the printer that was used in creating the limited edition stamp. This provides a very useful functional relationship with respect to identifying a functional aspect of the stamp. Even if the Examiner were to combine the references suggested, the combination could not teach or suggest the present invention as claimed. As previously discussed, indicia are not mere printed matter but disclose indicia having structural aspects.

The Examiner states that it would have been obvious to place any number of indicia on the stamp substrate since applicant has not disclosed criticality of having a particular number of such that a modification would produce no new or unexpected results of patentability and the invention would operate equally as well with any number of indicia. The present invention is not directed to a particular number of indicia, but to a limited edition stamp having indicia having specific physical properties. This becomes important with regard to limited edition stamps in verifying the authenticity of the stamp, i.e. that the stamp is indeed a valid limited edition stamp which can be established by knowing information about the second indicia and third indicia.

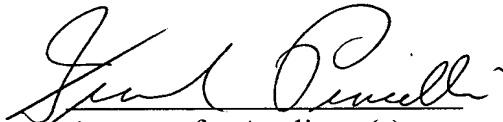
The Examiner argues that if the prior art structure is capable of performing the intended use, then it meets the claim. The Examiner is relying on the Gasper et al. reference in that the microdots are not capable of being scanned and used for printer identification or printer location. As previously noted, the

Gasper et al. reference is merely provided to provide microdots for restricting copying of a document by inventing microdots. As previously discussed, this does not teach or suggest a second and third indicia having the qualities as previously discussed and set forth.

Claim 7 is similar to claim 1 except it is directed to a sheet of limited edition stamps as opposed to an individual stamp and therefore is patentably distinct for the same reasons previously discussed with independent claim 1.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank Pincelli", written over a horizontal line.

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